

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CALVARY CHAPEL SAN JOSE, et al.,
Plaintiffs,
v.
SARA CODY, et al.,
Defendants.

Case No. 20-cv-03794-BLF

ORDER DENYING ADMINISTRATIVE MOTION TO VACATE TRIAL DATE

[Re: ECF No. 272]

Before the Court is Defendant County of Santa Clara's Administrative Motion to Vacate the Trial Date. ECF No. 272. Plaintiffs have opposed the County's motion. ECF No. 273.

The County's motion is DENIED. The County has not demonstrated good cause to vacate the trial date. The Court is setting trials in mid-2025, and thus the delay is unreasonable.

The Court is concerned that both parties are forum shopping. The County clearly wants this Court to defer to state court and Plaintiffs have persuaded the state court to postpone its hearing on these same claims to block a state court ruling in advance of this Court's ruling on a motion for summary judgment.

As to the 8th Amendment claim, if at the time of trial the state court has not finally determined the amount of the fine, this Court will sever that claim and decide it after the state court ruling.

IT IS SO ORDERED.

Dated: February 23, 2023

BETH LABSON FREEMAN
United States District Judge